

Minutes
Bar Harbor Town Council
By Video Conference
September 15, 2020

- I. CALL TO ORDER** – 5:00 P.M. - In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Valerie Peacock, Gary Friedmann, Joe Minutolo, Jill Goldthwait; and Town Manager Cornell Knight.
- A. Excused Absence(s)** – Mr. Hochman, with second by Mr. Minutolo, moved to excuse Councilor Cough as provided by Town Charter C-12.B(1)(d). Roll Call Vote:
- | | |
|-------------------|----------|
| <u>Dobbs</u> | <u>Y</u> |
| <u>Hochman</u> | <u>Y</u> |
| <u>Peacock</u> | <u>Y</u> |
| <u>Friedmann</u> | <u>Y</u> |
| <u>Minutolo</u> | <u>Y</u> |
| <u>Goldthwait</u> | <u>Y</u> |
- Motion passed 6-0.
- II. PUBLIC COMMENT PERIOD** - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments can be made through the Zoom webinar or may be emailed in advance to the Council Chair at jdobbs@barharbormaine.gov to be read during the meeting.* – None.
- III. APPROVAL OF MINUTES** – *September 1, 2020 Regular Meeting*
Mr. Hochman, with second by Mr. Friedmann, moved to approve the September 1, 2020 Regular Meeting minutes as presented. Roll Call Vote:
- | | |
|-------------------|----------|
| <u>Dobbs</u> | <u>Y</u> |
| <u>Hochman</u> | <u>Y</u> |
| <u>Peacock</u> | <u>Y</u> |
| <u>Friedmann</u> | <u>Y</u> |
| <u>Minutolo</u> | <u>Y</u> |
| <u>Goldthwait</u> | <u>Y</u> |
- Motion passed 6-0.
- IV. ADOPTION OF AGENDA** – Mr. Hochman, with second by Mr. Friedmann, moved to adopt the agenda as presented. Roll Call Vote:
- | | |
|-------------------|----------|
| <u>Dobbs</u> | <u>Y</u> |
| <u>Hochman</u> | <u>Y</u> |
| <u>Peacock</u> | <u>Y</u> |
| <u>Friedmann</u> | <u>Y</u> |
| <u>Minutolo</u> | <u>Y</u> |
| <u>Goldthwait</u> | <u>Y</u> |
- Motion passed 6-0.
- V. FINANCIAL REPORT** - *Review and possible motion to accept the financial report as presented.* Finance Director Stan Harmon presented a two-month report and answered

Council Questions. Mr. Hochman, with second by Mr. Friedmann, moved to accept the financial report as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Motion passed 6-0.

VI. CONSENT AGENDA - *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*

A. Special Town Meeting November 2020 – *Possible motion to sign:*

1. Special Town Meeting Warrant for November 3, 2020 and
2. Notice of Public Hearing for October 6, 2020.

B. CDBG Grant – *Possible motion to sign the Standards of Conduct, Fair Housing Resolution, Section 504 Self-Evaluation and Transition Plan, Residential Anti-Displacement & Relocation Assistance Plan and EEO Policy Statement as required by HUD.*

C. General Assistance Ordinance – *Possible motion to schedule a public hearing for October 6, 2020 on the annual revision of maximum benefit levels in Chapter 102, General Assistance Appendices A-H, pursuant to 22 MRSA §4305(4).*

Mr. Hochman, with second by Mr. Friedmann, moved to approve the Consent Agenda as published. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Motion passed 6-0.

VII. REGULAR BUSINESS:

A. COVID-19

1. *Emergency Special Amusement Ordinance*

Police Chief Jim Willis provided feedback on the past two weeks since the ordinance was enacted. Mr. Hochman, with second by Ms. Peacock, moved to approve the amendments to the Amusements Ordinance Chapter 14 as presented and make it effective immediately under the Emergency Ordinance provisions of the Town Charter. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo _____ Y

Goldthwait _____ N

Motion passed 5-1 (Nay: Goldthwait).

This emergency ordinance will expire November 1, 2020:

EMERGENCY ORDINANCE

Whereas, a pandemic emergency exists; and

Whereas, The Governor has extended the civil state of emergency until September 3, 2020, and

Whereas, the Town Council has the authority to enact emergency ordinances under Section C-16 of the Town Charter; and

Whereas, the pandemic will affect the business community,

Now Therefore be it ordained that the Town Council orders that the Special Amusement Ordinance be amended as shown below and take effect upon passage.

Amusements Ordinance Amendment

Town of Bar Harbor

#2020-11

An Amendment to allow amplified music outdoors.

The Town of Bar Harbor hereby ordains that Chapter 14, Amusements of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

CHAPTER 14 – AMUSEMENTS

Article I: Special Amusement Permits

§ 14-2 Definitions.

The following definitions apply to this article and do not affect the meanings of words or terms in any other article of this Code. As used in this article, the following terms shall have the meanings indicated:

AMPLIFIED ACOUSTIC INSTRUMENT

Any Musical instrument designed to be played without mechanical amplification but that can also be connected to an amplifier, these may include but are not limited to: Acoustic Guitars, Violins/fiddles, Upright/Acoustic Bass, Mandolin, Banjo etc. Instruments designed to be played only with mechanical amplification are excluded.

§ 14-4 Classes of permit; reapplication.

- B. Any permit granted shall be for one of the above-noted classes. ~~A licensee shall not permit on the licensed premises any music, dancing or entertainment which exceeds that permitted by the class of his/her permit, during the period for which his/her permit is valid as otherwise determined by this article.~~ This emergency Ordinance shall grant a temporary license upgrade to allow amplification while active and shall expire at midnight on September 15th unless renewed by council and will automatically expire on the 61st day after enactment per Bar Harbor Charter.

§ 14-6 Regulation of noise.

An applicant for a special amusement permit hereunder shall, as part of his/her application, demonstrate his/her ability to prevent the emanation of excessive noise from the premises sought to be licensed brought about by music, dancing or entertainment, except for a radio or other mechanical device excluded under 28-A M.R.S.A. § 1054 or amendments thereto. ~~The performance of amplified music out of doors by licensees is categorically declared to be in violation of this article.~~ Amplified outdoor music shall be limited to amplified acoustic instruments as defined in this chapter and one vocal microphone per performer, all outdoor amplification must adhere to this chapter.

The performance of nonamplified music out of doors by licensees is prohibited between the hours of 10:00 p.m. and 9:00 a.m. The performance of amplified music out of doors by licensees is prohibited between the hours of 9:00 p.m. and 11:00 a.m.

[End of Ordinance]

2. *Updates* – Nina St. Germain summarized COVID efforts to date. Chamber Director Alf Anderson and Chief Willis participated in the discussion, which included Halloween. Mr. Friedmann, with second by Mr. Hochman, moved to erect a heated tent somewhere in the downtown area provided there's sufficient funds remaining in the grant program. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Motion passed 6-0.</u>	

- B. Water Division Master Plan** – *Presentation by Olver Associates.* Annaleis Hafford from Olver summarized her presentation. Public Works Director Bethany Leavitt and Water Superintendent Jeff Van Trump also participated and answered Council questions. Mr. Hochman, with second by Mr. Friedmann, moved to thank Ms. Hafford and Olver Associates for the presentation and accept the Comprehensive Master Plan Update Summary and place it on file. Roll Call Vote:

<u>Dobbs</u>	<u>Y</u>
<u>Hochman</u>	<u>Y</u>
<u>Peacock</u>	<u>Y</u>
<u>Friedmann</u>	<u>Y</u>
<u>Minutolo</u>	<u>Y</u>
<u>Goldthwait</u>	<u>Y</u>
<u>Motion passed 6-0.</u>	

- C. FY21 Water Budget** – *Introduction of proposed FY21 Water Budget and possible motion to schedule a public hearing for October 6, 2020.* Finance Director Stan Harmon presented the budget and answered Council questions. Mr. Hochman, with second by Mr. Friedmann, moved to schedule a public hearing for October 6, 2020 to hear comments on the FY21 Water Budget. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Motion passed 6-0.

D. Cooperating Agencies Policy – Review drafts and possible motion to adopt.

Councilor Goldthwait presented the recommendations. Following discussion, Mr. Hochman, with second by Mr. Friedmann, moved to approve the amendments to the Cooperating Agencies Policy and Application. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock N
Friedmann Y
Minutolo Y
Goldthwait Y
Motion passed 5-1 (Nay: Peacock).

E. Council Goals – Update. Mr. Hochman, with second by Mr. Friedmann, moved to schedule the Council goals session for Monday, November 2, 2020 at 5pm by video conference. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Motion passed 6-0.

F. Treasurer’s Warrant - Request of Treasurer to authorize paid bills. – Mr. Hochman, with second by Mr. Friedmann, moved to sign the Treasurer’s Warrants for paid bills. Roll Call Vote:

Dobbs Y
Hochman Y
Peacock Y
Friedmann Y
Minutolo Y
Goldthwait Y
Motion passed 6-0.

VIII. TOWN MANAGER’S COMMENTS – None.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Friedmann hopes that after the joint meeting with the Planning Board last week we can have a conversation about Council’s responsibility regarding setting land use policy for the town and getting clarification from an expert outside the town and beyond our town attorney. On my part there’s some confusion as to who sets policies and what the

Planning Board's role is in carrying those out and when the Planning Board can take initiative on policies.

Ms. Peacock regarding coming on to Council in June, lots of things are coming to culmination. I am looking forward to goal setting and comprehensive planning and what's coming after, as well as vacation rental work.

Mr. Hochman echoed Gary regarding clarification on roles and responsibility for Planning and Council. He is sorry to hear of the passing of Chris Fogg who worked as the head of the Chamber and worked closely with the town for many years. He offered condolences to Chris' family and the Chamber.

Ms. Goldthwait asked about next steps on vacation rentals. Mr. Knight stated they are working on some details for the next meeting and when ready will schedule a workshop. She briefed Council on the Climate task force, they are working on a greenhouse gas inventory with a focus on municipal infrastructure and will make a modest expenditure for a template type plan for the inventory. She also asked about detection of COVID contamination in waste water. Mr. Knight responded they are inquiring about it and will get a more complete answer. She had another question about underground power when doing the sewer work. Mr. Knight spoke to the expense and other challenges with underground power.

Mr. Dobbs echoed condolences and prayers on the passing of Chris Fogg to his wife Erin and their children. He was a good guy and a hard worker and added a lot to the Chamber and the town.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Mr. Friedmann, moved to adjourn at 7:00 p.m. Roll Call Vote:

Dobbs Y

Hochman Y

Peacock Y

Friedmann Y

Minutolo Y

Goldthwait Y

Motion passed 6-0.

Sharon M Linscott, Town Clerk